

**TAB 2**

2017-04138 / Court: 129  
CAUSE NO.:

1/20/2017 1:47:45 PM  
Chris Daniel - District Clerk Harris County  
Envelope No. 14855518  
By: Bonisha Evans  
Filed: 1/20/2017 1:47:45 PM

DEBRIC BROUSSARD	*	IN THE DISTRICT COURT
	*	
VERSUS	*	HARRIS COUNTY, TEXAS
	*	
VACUUM TRUCK RENTALS, LLC	*	_____ JUDICIAL DISTRICT
AND BRUCE A. BALES	*	

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PLAINTIFF'S ORIGINAL PETITION

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COMES NOW Plaintiff, Debric Broussard (last three digits of SSN: 120) (hereinafter referred to as "Plaintiff"), who files this Original Petition against Vacuum Truck Rentals, LLC and Bruce A. Bales (hereinafter sometimes referred to as "Defendants"), and for his causes of action respectfully shows this Honorable Court the following:

I.

DISCOVERY CONTROL PLAN

1. Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, Plaintiff intends to conduct discovery in this case under Level 3 and will request the entry of a Discovery Control Plan.

II.

PLAINTIFF

2. Plaintiff resides in Terrebone Parish, Louisiana.

III.

DEFENDANTS

3. Made Defendants herein are:
  - A. Vacuum Truck Rentals, LLC, a Mississippi limited liability company doing business at the following location within the State of Texas: 450 Flato Road, Corpus Christi, TX 78405; and
  - B. Bruce A. Bales, a major, competent resident of Kemper County, Mississippi, who may be served at his residence: 2077 Bales Lane, Bogue Chitto, MS 39629.

Plaintiff requests service of process on these Defendants at the earliest possible time.

IV.

JURISDICTION

4. This Court has jurisdiction over the Defendants because the automobile accident giving rise to Plaintiff's claim for damages occurred in the State of Texas.

V.

VENUE

5. Venue is proper in Harris County because the automobile accident giving rise to Plaintiff's claim for damages occurred in the County of Harris, State of Texas.

VI.

CONDITIONS PRECEDENT

6. All Conditions necessary to maintaining this cause of action have been performed or have occurred.

VII.

FACTS

7. The Defendants are justly and truly indebted unto your Plaintiff for personal injury damages he sustained in an automobile accident which occurred on January 22, 2015, in or near Baytown, Texas (County of Harris), for the following reasons, to- wit:

8. On the aforementioned date, Plaintiff was driving a 2012 Ford delivery truck owned by his employer, Cannatas Supermarket, on State Highway 146 N in Baytown, Texas. As Plaintiff approached an I-10 entrance ramp, he slowed and eventually stopped his vehicle in response to a traffic signal and several stopped cars in front of him.

9. While Plaintiff continued to wait for the traffic ahead of him to clear, a rented commercial vacuum truck owned by the limited liability company identified above, and being driven by the Defendant, Bruce A. Bales, entered Plaintiff's lane of travel and eventually struck Plaintiff's vehicle in a side-swipe fashion.

10. Plaintiff received significant injuries due to this impact, which have, in turn, caused him to incur medical expenses, all of which are claimed as special damages herein.

VIII.

CAUSES OF ACTION AGAINST BRUCE A. BALES

11. Plaintiff shows that his aforementioned injuries were proximately caused, in whole or part, by the negligence of Bruce A. Bales, in the following particulars:

- A) Failing to observe a red traffic signal controlling his lane of travel;
- B) Entering a lane of travel when it was not safe to do so, and without first observing the traffic conditions in said lane;

- C) Failing to observe Plaintiff's vehicle prior to switching lanes and striking same;
- D) Failing to sound his horn or to otherwise warn Plaintiff that he was attempted to move into Plaintiff's lane;
- E) Failing to properly apply his brakes or take other evasive actions to avoid a collision; and
- F) Any other acts of negligence which may be proven at trial.

Some or all of the acts or omissions listed above may have constituted negligence *per se* under Texas law.

12. Plaintiff further shows, upon information and belief, that the above-described accident was caused by the Defendant's violation of various federal and state safety regulations, including, in particular, regulations governing the operation of heavy commercial vehicles and/or tractor-trailers.

#### IX.

#### CAUSES OF ACTION AGAINST VACUUM TRUCK RENTALS, LLC

13. In addition, Plaintiff shows that his aforementioned injuries were proximately caused, in whole or part, by the negligence of Vacuum Truck Rentals, LLC, in the following particulars:

- A) Allowing an untrained and/or unsafe driver to operate its commercial vacuum truck;
- B) Failing to conduct all necessary and proper driver background checks prior to allowing Bruce A. Bales to drive the commercial vacuum truck described herein;
- C) Failing to properly train Bruce A. Bales regarding the safe and proper operation of its commercial vacuum truck;
- D) Failing to provide all reasonable, required, and/or necessary safety equipment and failing to adequately train Bruce A. Bales on its proper use;
- E) Providing a faulty and/or defective commercial vacuum truck to Bruce A. Bales and failing to warn said Defendant driver about any defects which may have been present; and
- F) Any other acts of negligence which may be proven at trial.

Some or all of the acts or omissions listed above may have constituted negligence *per se* under Texas law.

14. Plaintiff further avers that the Defendant, Vacuum Truck Rentals, LLC, is liable to him for the negligence of Bruce A. Bales as the company's servant, employee, agent, or assignee, under the theory of *respondiat superior*.

X.

DAMAGES

15. As the result of the automobile accident described herein, the Plaintiff, Debric Brouissard, has sustained the following elements of personal injury damages, some or all of which may be ongoing:

- A) Past, present and future physical pain and suffering;
- B) Past, present and future mental pain, suffering, grief, humiliation, anguish, anxiety, depression and other emotional injuries;
- C) Past, present and future medical expenses;
- D) Past and future lost wages;
- E) Loss of future earning capacity;
- F) Loss of past and future fringe benefits;
- G) Past and future disfigurement and disability; and
- H) All other damages which may be proven at trial.

16. As required by Rule 47(b), Texas Rules of Civil Procedure, Plaintiff's counsel states that damages sought are not more than \$100,000.00. The amount of monetary relief actually awarded, however, will ultimately be determined by a jury. Plaintiff also seeks pre-judgment and post-judgment interest at the highest legal rate.

XI.

JURY TRIAL

17. Plaintiff requests a trial by jury.

XII.

REQUEST FOR DISCLOSURE

18. Plaintiff requests that Defendants disclose information described in Rule 194.2 of the Texas Rules of Civil Procedure within the deadlines established by the Texas Rules of Civil Procedure.

PRAYER

WHEREFORE, Plaintiff prays that the Defendants be duly served with a copy of this Complaint and cited to appear and answer same, and that, after due proceedings are had, there be Judgment herein in favor of the Plaintiff and against the Defendants, awarding Plaintiff an amount sufficient to adequately compensate him for all damages, past and future, sustained by him, together with pre- and post-judgment legal interest, and all costs of these proceedings, including expert witness fees.

PLAINTIFF FURTHER PRAYS for all general and equitable relief and any and all Orders of the Court necessary under the circumstances.

RESPECTFULLY SUBMITTED:

WEBRE & ASSOCIATES



Scott Webre (TX Bar Roll No.: 21050072)  
2901 Johnston Street, #307  
Lafayette, LA 70503  
Phone: (337) 237-5051  
Fax: (337) 237-5061  
[scottwebre@webreandassociates.com](mailto:scottwebre@webreandassociates.com)  
ATTORNEY FOR PLAINTIFF

Service Info Follows on Next Page

**PLEASE SERVE:**

Vacuum Truck Rentals, LLC  
at its Texas place of business:  
450 Flato Road  
Corpus Christi, TX 78405

Mr. Bruce A. Bales  
2077 Bales Lane  
Bogue Chitto, MS 39629